

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**INDICTMENT FOR VIOLATIONS OF THE
FEDERAL GUN CONTROL ACT**

UNITED STATES OF AMERICA	*	CRIMINAL DOCKET NO.:
v.	*	SECTION:
MARCELLUS ESTEVES III	*	VIOLATIONS: 18 U.S.C. § 922(a)(6)
	*	18 U.S.C. § 922(g)(1)
	*	18 U.S.C. § 924(a)(2)

*** * * * ***

The Grand Jury charges that:

COUNT 1

On or about March 30, 2009, in the Eastern District of Louisiana, the defendant, **MARCELLUS ESTEVES III**, in connection with the acquisition of a firearm, to wit: a Glock Model 27, .40 caliber pistol, bearing serial number MGD218, from Academy Sports & Outdoors, located at 800 South Clearview Parkway in Harahan, Louisiana, a federal licensed firearms dealer within the meaning of Chapter 44 of Title 18, United States Code; did knowingly make a false and

fictitious written statement to Academy Sports & Outdoors, which statement was intended and likely to deceive such dealer as to a fact material to the lawfulness of such sale of said firearm to the defendant under Chapter 44 of Title 18, United States Code, in that the defendant represented that he had never “been convicted in any court of a felony, or any other crime, for which the judge could have imprisoned [him] for more than one year, even if [he] received a shorter sentence including probation;” all in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

COUNT 2

On or about April 5, 2009, in the Eastern District of Louisiana, the defendant, **MARCELLUS ESTEVES III**, having been convicted of a crime punishable by imprisonment for a term exceeding one year, to wit: a conviction on November 23, 2004, in the Criminal District Court for the Parish of Orleans, State of Louisiana, under Case Number 444-832 “A,” for Possession of Cocaine, in violation of Louisiana Revised Statute 40:967(C)(2); did knowingly possess in and affecting commerce a firearm, to wit: a Glock Model 27, .40 caliber pistol, bearing serial number MGD218; all in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT 3

On or about April 15, 2009, in the Eastern District of Louisiana, the defendant, **MARCELLUS ESTEVES III**, having been convicted of a crime punishable by imprisonment for a term exceeding one year, to wit: a conviction on November 23, 2004, in the Criminal District Court for the Parish of Orleans, State of Louisiana, under Case Number 444-832 “A,” for Possession of Cocaine, in violation of Louisiana Revised Statute 40:967(C)(2); did knowingly possess in and affecting commerce ammunition, to wit: nine (9) Speer .40 caliber, hollow-point, live rounds; all in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

NOTICE OF FORFEITURE

1. The allegations of Counts 1 through 3 of this Indictment are realleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c).

2. As a result of the offense(s) alleged in Counts 1 through 3, the defendant, **MARCELLUS ESTEVES III**, shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461, any firearm or ammunition, which was involved in or used in a knowing violation of Title 18, United States Code, Sections 922(a)(6), 922(g)(1) and 924(a)(2), as alleged in Counts 1 through 3 of the Indictment.

3. If any of the property subject to forfeiture pursuant to Paragraph 2 of this Notice of Forfeiture, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

All in violation of Title 18, United States Code, Sections 922(a)(6), 922(g)(1), 924(a)(2), and 924(d)(1).

A TRUE BILL:

FOREPERSON

JIM LETTEN, # 8517
United States Attorney

JAN MASELLI MANN, # 9020
First Assistant United States Attorney

R. CHRISTOPHER COX III, # 26247
Assistant United States Attorney

New Orleans, Louisiana
April 23, 2009